

AFFIDAVIT

Hector M. Gonzalez-Rivera, employed as a Puerto Rico Police Officer and assigned as a deputized Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, having been duly sworn, do hereby depose and state as follows:

1. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), that is, an officer of the United States empowered by law to conduct investigations and make arrests for violations of the offenses enumerated in Title 18, United States Code, Section 2516. I am currently assigned to the Bureau of Alcohol Tobacco, Firearms and Explosives (ATF) in San Juan, Puerto Rico, conducting investigations of federal firearms violations and other federal violations.
2. As a deputized Puerto Rico Police Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), I assist in conducting investigations into the unlawful possession of firearms. Through training, investigations and experience, I have taken part in cases relating to the trafficking of firearms, the use and possession of firearms by persons prohibited by law and the possession of illegal firearms. I am familiar with and have participated in various methods of investigations, including, but not limited to: electronic surveillance, physical surveillance, interviewing and general questioning of witnesses, use of confidential informants, use of cooperating witnesses, and use of toll records and subscriber information. I have also debriefed confidential informants and cooperating witnesses regarding the habits and practices of people engaged in the illegal trafficking of firearms. Furthermore, I have conducted and participated in numerous investigations to include: crime scene investigations, collection of evidence, interviews and the execution of search warrants.
3. The details and information stated herein are a compilation of facts and events investigated by me and other Law Enforcement Officers, who investigated and confirmed their veracity or overseen their development. I have drafted this affidavit for the limited purpose of

establishing probable cause for certain violations of law. Therefore, I have not included all of the facts of this investigation.

4. On August 01, 2018 at approximately 1:00 am, Puerto Rico Police Department (PRPD) Agents assigned to the San Juan Transit unit observed the occupant of a 2010 Orange Jeep Wrangler, bearing license plate HTR039, driving in the wrong direction on Ponce de Leon Avenue, in San Juan, PR. The driver of the Jeep Wrangler was later identified as **Alberto Jose Nuñez-Gomez**. PRPD Agents conducted a traffic stop.
5. As agents asked **Nuñez-Gomez** for license and registration, they heard an object hit the driver's side floorboard of the vehicle. With the assistance of a flashlight, PRPD Agents observed what, based on training and experience, was a firearm magazine. PRPD Agents asked **Nuñez-Gomez** if he possessed a firearm license, to which **Nuñez-Gomez** replied in the negative.
6. For security purposes, PRPD Agents instructed **Nuñez-Gomez** out of the vehicle, but he was non-compliant. **Nuñez-Gomez** stated that he did not need a firearms permit for his firearm because the firearm is for his protection and for the protection of the people of Puerto Rico and that he was a businessman. At this point, PRPD Agents began placing **Nuñez-Gomez** under arrest.
7. When back-up arrived, **Nuñez-Gomez** was removed from the vehicle and handcuffed. During a search incident to arrest, PRPD Agents recovered a Glock pistol, bearing serial number PZG801, loaded with 15 rounds of .40 caliber ammunition.
8. **Nuñez-Gomez** provided signed, written consent to search his vehicle to PRPD Agents. A search of the vehicle revealed approximately 6-8 small vials of a substance appearing to be marihuana.

9. During a Mirandized interview with ATF Agents, **Nuñez-Gomez** waived his rights to a lawyer and stated that he used marihuana for pain in his left arm and that he has been using marihuana for the past 6 years on a regular, sustained basis.
10. Based on my training and experience as an ATF Agent, I know that firearms are not manufactured in Puerto Rico. Therefore, this firearm has traveled in interstate or foreign commerce.
11. Based on the above facts, the undersigned affiant believes there is probable cause to charge **Nuñez-Gomez** with violating Federal Firearms law, to wit: Title 18, United States Code, 922(g)(3) (drug user in possession of a firearm).

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge



Hector M. Gonzalez-Rivera

Task Force officer

Bureau of Alcohol, Tobacco, Firearms & Explosives

SWORN AND SUBSCRIBED before me this 2nd day of August, 2018, in San Juan, Puerto Rico.



BRUCE J. MCGIVERN

UNITED STATES MAGISTRATE JUDGE

DISTRICT OF PUERTO RICO